

Commissioner for Patents
Amendment dated April 25, 2005
Response to Office Action dated January 24, 2005
Page 8 of 11

Serial No.: 10/064012
Art Unit: 2115
Examiner: Tran
Docket No.: RPS9 2001 0183 US1

REMARKS/ARGUMENTS

Claims 1-20 were pending and examined. The Examiner indicated objections to claim 5. The Examiner rejected claims 1, 2, 9, 10, 15, and 16 under 35 USC § 102(b) as being anticipated by Cromer *et al.* (U.S. Patent Publication No. 2002/0099934), hereinafter "Cromer". The Examiner rejected claims 3, 11, and 17 under 35 USC § 103(a) as being unpatentable over Cromer, and further in view of Dayan *et al.* (U.S. Patent No. 5,230,052), hereinafter "Dayan". Claim 5 was rejected under 35 U.S.C. § 102(b) as being unpatentable by Cromer. Claims 7, 13, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer, and further in view of Fulginiti *et al.* (U.S. Patent Publication No. 2003/0120827), hereinafter "Fulginiti". The Examiner rejected claims 8, 14, and 20 under 35 USC § 103(a) as being unpatentable over Cromer, and further in view of Rietze *et al.* (U.S. Patent Publication No. 2003/0097487), hereinafter "Rietze". The Examiner indicated Claims 4, 6, 12, and 18 as reciting allowable subject matter. In this response, Applicant has amended claims 1, 4, 9, 15, 16, 18, and 19, canceled claims 3, 5, 13, and 20, and added claim 21. Claims 1, 2, 4, 6-12, 14-19, and 21 remain pending.

Drawing Objections

The Office Action objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Office Action indicated that the "cabinet" recited in claim 4 must be shown. Applicant believes that the Office Action intended to indicate that claim 6 (and not claim 4) referred to the cabinet because claim 4 does not recite a cabinet. Applicant also believes that the Examiner objected to the cabinet recited in claim 6 because the published patent application (US Publication No. 2003/0226004 A1, referred to hereinafter as the Published Application) contains a reference numeral 207 following the first reference to the cabinet (see, Published Application paragraph [0017]). It appears that the Published Application contains several instances of reference numerals that were altered from a "1" in the originally submitted application to a "7" in the Published Application. Accordingly, Applicant has submitted specification amendments above that refer to the paragraph numbers in

Commissioner for Patents
Amendment dated April 25, 2005
Response to Office Action dated January 24, 2005
Page 9 of 11

Serial No.: 10/064012
Art Unit: 2115
Examiner: Tran
Docket No.: RPS9 2001 0183 US1

the Published Application. Note that it is the Published Application and not the originally submitted specification that requires amendment.

The Office Action also objected to the drawings as failing to show "blade 700," "cabinet 207," and "management module 720." As indicated in the preceding paragraph, the Published Application contains several instances of reference numerals that contain a "7" where the corresponding reference numerals in the originally submitted application contained a "1." Applicant has indicated each of the known instances where this occurred in the specification amendments submitted above.

For the reasons indicated, Applicant would respectfully request the Examiner to reconsider and withdraw the drawing objections. Applicant wishes to thank the Examiner for taking the time to discuss this aspect of the Office Action with the undersigned representative. If the Examiner has any questions regarding the proposed amendments, a telephone conference with the undersigned would be welcome and encouraged.

Abstract Objection

The Office Action objected to the originally submitted Abstract as exceeding 150 words. In response, Applicant has submitted a substitute abstract that is shorter than the originally submitted. The substitute Abstract complies with the 150-word limit. Accordingly, Applicant would respectfully request the Examiner to reconsider and withdraw the objection.

Claim Objection

The Office Action objected to claim 5 as depending upon claim 1 within a sequence of claims depending on claim 4. In response, Applicant has canceled claim 5 and added claim 21 reciting language identical to the claim language of originally submitted claim 5. Applicant submits that the cancellation of claim 5 and introduction of claim 21 addresses the objection raised by the Examiner and Applicant would respectfully request the Examiner to reconsider and withdraw the objection.

Commissioner for Patents
Amendment dated April 25, 2005
Response to Office Action dated January 24, 2005
Page 10 of 11

Serial No.: 10/064012
Art Unit: 2115
Examiner: Tran
Docket No.: RPS9 2001 0183 US1

Claim rejections under 35 USC § 102(b)

The Examiner rejected claims 1, 2, 9, 10, 15, and 16 under Section 102(b), as being anticipated by Cromer.

In response to the rejection of independent claim 1, Applicant has amended to incorporate the limitations of claim 3 (now canceled) into claim 1. The Examiner rejected originally submitted claim 3 as originally submitted as unpatentable over Cromer in view of Dayan. Applicant respectfully requests the Examiner to withdraw Cromer as prior art with respect to all Section 103(a) rejections. Cromer is prior art only under 35 USC 102(e). The subject matter of Cromer and the claimed invention were, at the time of the invention, owned by or under an obligation of assignment to a common entity, namely, IBM Corporation. Under the provisions of 35 USC 103(c), Cromer cannot preclude patentability under Section 103(a). Accordingly, Applicant respectfully requests the Examiner to withdraw Cromer as a reference with respect to claim 1 as amended and to recognize the amended independent claim and all claims depending on it as allowable over the cited references.

In response to the rejection of independent claim 9, Applicant has amended claim 9 to incorporate the limitations of previously presented claim 13, now canceled. Originally submitted claim 13 was rejected as unpatentable over Cromer in view of Fulginiti. Because Cromer is to be withdrawn as prior art with respect to the Section 103(a) rejections, Applicant submits that claim 9 as amended and all claims depending thereon are allowable over the cited references.

In response to the rejection of independent claim 15, Applicant has amended claim 15 to incorporate the limitations of previously presented claim 20, now canceled. Originally submitted claim 20 was rejected as unpatentable over Cromer in view of Rietze. Because Cromer is to be withdrawn as prior art with respect to the Section 103(a) rejections, Applicant submits that claim 9 as amended and all claims depending thereon are allowable over the cited references.

Applicant has also amended claim 15 and its dependent claims to substitute the language "instructions" in lieu of the originally submitted "computer code means" language. Applicant submits that the amended language is more clear and concise than the originally submitted language and is, therefore, preferable. These amendments are not made for any purpose related to patentability, but merely for the sake of clarity and conciseness.

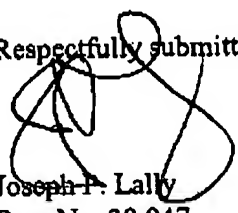
Commissioner for Patents
Amendment dated April 25, 2005
Response to Office Action dated January 24, 2005
Page 11 of 11

Serial No.: 10/064012
Art Unit: 2115
Examiner: Tran
Docket No.: RPS9 2001 0183 US1

CONCLUSION

In the present response, Applicant has addressed the objections to the specification and claims, and responded to the Examiner's claim rejections under 35 USC § 102(b), and 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,


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